

ZB# 99-14

Frank Pierri

6-3-1

#99-14- Pierri, Frank 6-3-1

Helim.

April 26, 1999

Notar to Gushind
4/27/99

Public Hearing:

May 10, 1999.

Granted.
Area Variance

Refund: \$198.50

Wilson Jones - business - 1-800-407-0000 - 1-800-407-0000

© Wilson Jones, 1980

DATE April 30, 1999 RECEIPT 039230

RECEIVED FROM Lesley A. Pierson

Address Fifty and 50/100 DOLLARS \$59.00

FOR Zoning Board Application Fee
#99-14

ACCOUNT HOW PAID

BEGINNING BALANCE		CASH	3494
AMOUNT PAID		CHECK	5000
BALANCE DUE		MONEY ORDER	

BY Dorothy H. Hansen
Town Clerk

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Pierri Frank A Leslie
13 Clarkview Rd.

FILE# 99-14.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/26/99 2 \$ 9.00
2ND PRELIMINARY- PER PAGE 5/10/99 1.5 \$ 22.50
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 4/26/99 \$ 35.00
2ND PRELIM. 5/10/99 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT \$198.50

Date 3/14 1999.

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Lestie A. Pierri DR.
13 Clarkview Rd., New Windsor, NY 12553

[illegible]

Lesley A. Pierri
Francis M. Pierri
 7 Clarkview Rd. 561-9741
 New Windsor, NY 12553

50-235 623
 219
 6800070102

3494

4-30-99

Town of New Windsor
 \$ 50.00

THE BANK OF NEW YORK
 New Windsor, NY 12553

021902352 6800070102 3494

SCIENTIFIC AMERICAN

Lesley A. Pierri
Francis M. Pierri
 7 Clarkview Rd. 561-9741
 New Windsor, NY 12553

50-235 623
 219
 6800070102

3493

4-30-99

Town of New Windsor
 \$ 300.00

THE BANK OF NEW YORK
 New Windsor, NY 12553

021902352 6800070102 3493

SCIENTIFIC AMERICAN

*Rec'd.
TA office
5/3/99.*

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal: #14

Request of FRANK PIERRI

for a VARIANCE of the Zoning Local Law to Permit:

An existing deck with insufficient rear yard and an existing shed with insufficient side yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regulations, Cols. F & G, for property situated as follows:

13 Clarkview Road, New Windsor, N. Y.,
known as tax lot Section 6 Block 3 Lot 1.

THE HEARING will take place on the 10th day of May, 1999 at the New Windsor Town Hall, Courtroom, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock p.m.

James Nugent, Chairman

In the Matter of the Application of

FRANK PIERRI

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#99-14.-----X

WHEREAS, FRANK PIERRI, residing at 13 Clarkview Road, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 14 ft. rear yard variance for an existing deck and 1 ft. 6 in. side yard variance for an existing shed at the above single-family residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 10th day of May, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in an R-4 zone neighborhood containing one-family homes.

(b) The shed and the deck on the property have been in existence for some time.

(c) At the time the present owner purchased the property, the entire backyard was paved. The Applicant constructed a deck and returned the paved area to normal landscaping thus promoting water drainage and appearance.

(d) The property is a peculiarly-shaped property and the shed and deck were located in

the best possible place considering the dimensions, appearance and location of the property.

(e) Neither the deck nor the shed create any ponding or collection of water or interfere with water drainage.

(f) Neither the shed nor the deck are built on the top of any septic or well, sewer or water easement.

(g) The shed and the deck are similar to other sheds and decks in the neighborhood.

(h) There is a door leading from the house onto the deck. If the deck were not there, a person exiting the house would fall approximately 3 ft. before they hit the ground, probably causing serious injury.

(i) There have been no complaints, either formal or informal, about the shed or deck.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

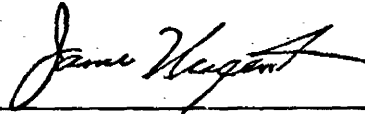
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 14 ft. rear yard variance for an existing deck and 1 ft. 6 in. side yard variance for an existing shed at the above address, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 14, 1999.

A handwritten signature in cursive script, appearing to read "James Nugent", is written over a horizontal line.

Chairman

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Frank Pierri

Applicant.

#99-14.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on April 30, 1999, I compared the 56 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
30th day of April, 1999.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999

Date 3/10/11, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO

DR.

James Roth
168 N. Quay St. Newburgh Ny 12550 DR.

DATE		CLAIMED	ALLOWED
7/10/99	Zoning Board Mtg	75 00	
	Misc		
	Hande / - 2		
	Husted - 3		
	Pierri - 5 22.50.		
	Maxwell - 3		
	Hecht - 2		
	Petrone/Decision - 1	76 50	
	17pgs		
		151 50	

May 10, 1999

7

PUBLIC HEARINGS:

PIERRI, FRANK

Mr. Frank Pierri appeared before the board for this proposal.

MR. NUGENT: Request for ^{14 ft.}~~11 ft. 6 in.~~ rear yard variance for existing deck and 1 ft. 6 in. side yard variance for existing shed located at 13 Clarkview Road in an R-4 zone.

MR. TORLEY: Is there anyone in the audience besides the applicant on this?

MR. NUGENT: Let the record show there's no one in attendance.

MR. PIERRI: Actually, I spoke to the building inspector's office and I had to change that to 14 feet, not knowing that the stairs, it does slope down, I measured from the base of the stairs over and to play it safe, I added 2 1/2 feet on the request.

MR. NUGENT: Do you know that?

MR. BABCOCK: I revised that on the fourth, Mr. Chairman and sent it to Pat.

MR. KRIEGER: Does that affect the side yard variance request as well?

MR. BABCOCK: Just for the deck, it's the rear yard on the deck.

MR. KRIEGER: So 1'6" for the side yard for the deck, is that correct?

MR. BABCOCK: I think that's 11'6".

MR. KRIEGER: 11'6" for the rear yard, which is now 14, if I understand correctly?

MR. BABCOCK: No.

May 10, 1999

8

MR. KRIEGER: 1'6" for the side yard which remains as 1'6".

MR. NUGENT: Okay, we have the revised ones, Mike.

MR. BABCOCK: Okay.

MR. NUGENT: Do you have some pictures?

MR. PIERRI: When I bought this home, this entire back yard was blacktopped, besides abandoned cars, junk, sheds, the house has been empty for quite some time, I removed them, actually, the deck is actually brings the value of the home up because this is all being removed. There's no other place to put the deck. My house fronts on Clarkview, small back yard and little privacy in the front. It's helped everybody all around the neighborhood because I have even moved my driveway down Knox Drive so I've never had any problems, caused any problems to anybody in the surrounding area.

MR. KANE: Move any trees, create any drainage problems?

MR. PIERRI: No. By removing the parking lot, it's really helped the drainage, the water wouldn't settle in my yard and wouldn't pool on the side yard facing Knox, my driveway was moved actually all the way down, I had two car coming in three car wide, went all the way around the back of the house. I have a copy of the survey to show how much blacktop I have.

MR. TORLEY: Previous owners just blacktopped everything?

MR. PIERRI: Everything, including the walkway that was there. When the driveway was pulled up, there was a walkway underneath it.

MR. KRIEGER: Just so that you understand the question with respect to drainage, not only the course of water drainage but it doesn't cause any ponding or collection of water?

MR. PIERRI: None whatsoever, never had a problem.

MR. KRIEGER: Doesn't divert the flow of any water drainage?

MR. PIERRI: No, sir, the grade of the back yard has never been changed. It's now just grass and now with the deck back there, as you can see, this is what I have for a driveway in the back yard, this was all blacktop here, came in and then went around the back of the house. This existing walkway stopped but there was a walkway buried underneath the blacktop as well.

MR. KANE: Due to the layout of the property where you have placed the deck right now that gives you the smallest possible variance?

MR. PIERRI: Yes, it's in the back.

MR. KANE: You would need more if you moved it further down?

MR. PIERRI: Actually, I even allowed a little bit for the staircase that comes down facing the side of the room in the shed, there was a shed here in the rear, I put it around in the corner by the fence where no one can see it. It's on the side of my home.

MR. KRIEGER: So the shed where it is now is the least visible place?

MR. PIERRI: Yes, there's no other place to put it. I don't have a huge spot.

MR. KRIEGER: Does it cause any ponding or collection of water?

MR. PIERRI: None whatsoever.

MR. KRIEGER: Neither the shed or the deck are built over top of any septic or well, right?

MR. PIERRI: No, sir.

MR. KRIEGER: Nor are they built on the top of any sewer or water easement?

MR. PIERRI: No, sir.

MR. KRIEGER: They are similar to other sheds and decks in the neighborhood?

MR. PIERRI: Absolutely. I have a corner lot, probably the strangest corner lot in the Windsor Estates development.

MR. KRIEGER: Now, is this deck a little over the surface of the soil.

MR. PIERRI: Yes, sir.

MR. KRIEGER: Approximately how much elevated, approximately?

MR. PIERRI: Maybe about 3 feet.

MR. KRIEGER: And there's a door leading from the house onto the deck?

MR. PIERRI: Yes, sir.

MR. KRIEGER: If the deck weren't there, someone would fall 3 feet before they hit the ground?

MR. PIERRI: Yes, sir.

MR. KRIEGER: Likely causing injury?

MR. PIERRI: Absolutely.

MR. TORLEY: Given the height of the deck, you need the stairs off the deck?

MR. PIERRI: Right, access, if you have to go off the deck, the yard's fenced in. I have a big slope in the front yard, none in the back.

MR. NUGENT: Let the record show there was 56 addressed envelopes sent out.

MR. REIS: Any written responses?

May 10, 1999

11

MR. NUGENT: None, we have nothing.

MS. OWEN: It's a very beautifully kept home, I rode by it today.

MR. KRIEGER: Have you had any complaints, formal or informal about the shed or deck? *

MR. PIERRI: The only request I had was whether they should come in in support of the deck.

MR. KRIEGER: No complaints?

MR. PIERRI: No, sir, none whatsoever.

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: Move that we approve the requested variances by Frank Pierri for his property at 13 Clarkview Road.

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: April 23, 1999

**APPLICANT: Frank Pierri
13 Clarkview
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: April 23, 1999

FOR : Existing 10 X 16 rear deck

LOCATED AT: 13 Clarkview Road

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 6-3-1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing rear deck does not meet minimum rear yard set-back.**


BUILDING INSPECTOR

PERMITTED 40'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: G-10

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

26'
~~28' 6"~~

14'
~~11' 6"~~ *Revised*
5-4-99

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake scheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certificate of occupancy. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

BUILDING DEPARTMENT

APR 23 1999

RECEIVED

FOR OFFICE USE ONLY:

Building Permit #: 7011

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Francis + Lesley Pierre

Address 13 CLARKVIEW RD Phone 561-9741

Mailing Address 13 CLARKVIEW RD NEW WINDSOR N.Y.

Name of Architect Deck BUILT BY J-T McMAHUS - SITEO N/A

Address _____ Phone _____

Name of Contractor JT. McMAHUS BUILT DECK SITEO N/A

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder J. Pierre (Sheo)

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the EAST side of CLARKVIEW RD
(N, E or W)
and N/A foot from the intersection of KNOX DR
2. Zone or use district in which premises are situated Residential Is property a flood zone? Y N
3. Tax Map Description: Section 6 Block 3 Lot 1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Residence b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? YES EXISTING 10'x16' REM DECIC
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor N/A
- Number of bedrooms N/A Baths N/A Toilets N/A Heating Plant: Gas N/A Oil N/A
- Electric/Hot Air N/A Hot Water N/A If Garage, number of cars N/A
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use N/A
10. Estimated cost _____ Fee ~~\$50.00~~

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

13 CLARKVIEW RD

(Address of Applicant)

(Owner's Signature)

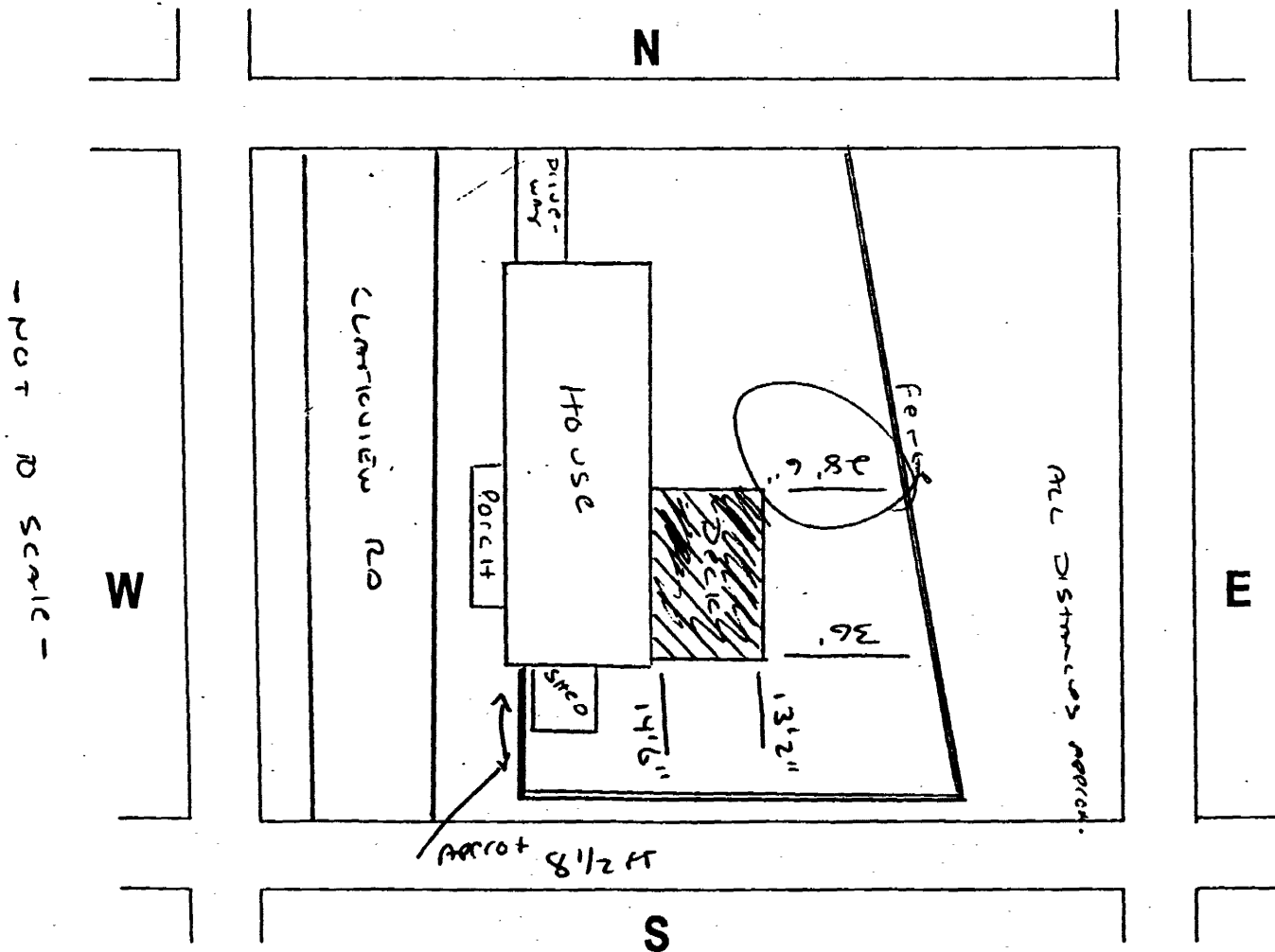
13 CLARKVIEW RD

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





LEGEND

Scale 1" = 100'

Section No 6

PIERRI, FRANK

Mr. Frank Pierri appeared before the board for this proposal.

MR. NUGENT: Request for 11 ft. 6 in. rear yard variance for existing deck and 1 ft. 6 in. side yard variance for existing shed located at 13 Clarkview Road in an R-4 zone.

MR. PIERRI: This deck is built in 1994 and the permit is open, it's come to my attention that the deck is too close to the rear yard of my house, which is a corner lot. In addition to that, I have, I'm told that I have a shed on the side that's too close to my neighbor's property, that's the only spot that I have for the shed.

MR. NUGENT: Frank, just one corner of the deck is too close, right, the other side's got 36 feet, it's not only a corner lot, it's also irregular in size?

MR. PIERRI: Yes.

MR. KANE: Is the shed currently on a cement slab?

MR. PIERRI: Yes, sir, about six inches away from the home.

MR. TORLEY: Any problem with the fence?

MR. BABCOCK: No, fence is fine.

MR. TORLEY: Mike, what does he need for a rear yard in R-4?

MR. BABCOCK: Forty feet.

MR. NUGENT: Both sides of the deck are wrong then?

MR. BABCOCK: Yes.

MR. NUGENT: But one is greater than the other?

MR. BABCOCK: Right.

MR. TORLEY: Check your measurements, say you get, you're granted this 11 foot six inch rear yard variance, and you refinance in three years, they come out and measure again, turns out they are off by four inches, you have to start all over again.

MR. PIERRI: I did it with a tape measure, I can always change it if you think I should.

MR. TORLEY: It's your responsibility to tell us what you need, just be sure that you've got all that you need so you won't have to do it again.

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we set up Mr. Frank Pierri for a public hearing for his requested variances.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. KRIEGER: Frank, those are the criteria on which the State requires that the Zoning Board must decide, if you would address yourself to those criteria at the public hearing, that would be helpful.

MR. PIERRI: Thank you for your time.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-14

Date: 04/24/99

I. Applicant Information:

- (a) PIERRI, FRANK & LESLIE, 13 Clarkview Road, New Windsor NY 12553 x
(Name, address and phone of Applicant) (Owner)
- (b) n/a
(Name, address and phone of purchaser or lessee)
- (c) n/a
(Name, address and phone of attorney)
- (d) n/a
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4 13 Clarkview Road 6-3-1 76 x 93 +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 7/20/92
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft.</u>	<u>8 ft. 6 in.</u>	<u>1 ft. 6 in. (shed)</u>
Reqd. Rear Yd. <u>40 ft.</u>	<u>26 ft.</u>	<u>14 ft.</u>
Reqd. Street Frontage* _____	<u>28 ft. 6 in.</u>	<u>11 ft. 6 in. (deck)</u>
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

- Describe why you believe the ZBA should grant your application for an area variance:

The neighborhood is residential (R-4) single, family. There are similar structures which exist throughout the area. Applicants feel that there will be no undesirable changes to the neighborhood nor will there be a detriment to the health, safety or welfare to the neighborhood or community. The benefit sought by the Applicants cannot be achieved by other methods; Applicants feel the requested area variances are not substantial and therefore should be granted.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. n/a

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There have been no complaints regarding the existing structures which have been in place on Applicants' property. Applicants submit that the quality of the R-4 single-family zone will be maintained.

IX. Attachments required:


- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: April 24, 1999

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.



(Applicant)
Frank Pierri

Sworn to before me this

26th day of April, 1999.


XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

<p>4-1-12.2 Newburgh Water Supply City Hall-City of Newburgh Newburgh, N. Y. 12550</p>	<p>6-1-4 John P. & Barb Falbo 12 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-2-4 Frank & Betty Herald 3 Knox Drive New Windsor, N. Y. 12553</p>
<p>4-1-30.1 Lujan Home Builders Inc. 336 route 306 Monsey, N.Y. 10952</p>	<p>6-1-5 Robert Bradley, Karen Bruno Joan March 30 O'Dell Circle Newburgh, N. Y. 12550</p>	<p>6-2-5 Robert E. Hennessey 5 Knox Drive New Windsor, N.Y. 12553</p>
<p>4-1-30.2 Muriel MacNary 535 MacNary Lane New Windsor, N. Y. 12553</p>	<p>6-1-6 Kenneth & Elizabeth Stronggreen 16 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-2-6 Richard E. & Betty R. Slenker 7 Knox Drive New Windsor, N.Y. 12553</p>
<p>Town of New Windsor 555 Union Avenue New Windsor, N. Y. 12553</p>	<p>6-1-7 Albert J. & Margaret Lusardi 18 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-2-7 Allan P. & Carol A. Saltzberg 9 Knox Drive New Windsor, N. Y. 12553</p>
<p>5-2-1 Loretta T Trizinsky Margaret J. Deyo 340 Windsor Highway New Windsor, N.Y. 12553</p>	<p>6-1-8 Willard & Mary T. Jaime 20 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-2-8 Gary J. & Patricia Wenzel 11 Knox Drive New Windsor, N.Y. 12553</p>
<p>5-2-3 Richard D. Unrath T. Suzoko 1 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-1-9 James R. & Frances R. Lego 27 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-3-2 Arnold W. & Beverly A. Messer 2 Knox Drive New Windsor, N. Y. 12553</p>
<p>5-2-4 Raymond K. Tam & Chi Chun Wong 3 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-1-10 Gerard L. & Laurie A. Landry 24 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-3-3 Richard J. & Suzanne 4 Knox Drive New Windsor, N. Y. 12553</p>
<p>6-1-1.1 Stephen J. ,Jr. & Nancy Czubak 4 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-2-1 Debra Russio 9 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-3-4 Vincent L. & Angelina Russio 6 Knox Drive New Windsor, N. Y. 12553</p>
<p>6-1-1.2 Theodore & Ludmila Carrero 6 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-2-2 Paul & Marianne Haarmann 5 Clarkview Road New Windsor, N. Y. 12553</p>	<p>6-3-5 Patrick J. & Patricia Barry 8 Knox Drive New Windsor, N. Y. 12553</p>
<p>6-1-3 George S. Kemp & Marie Tiana 10 Clarkview Road New Windsor, N.Y. 12553</p>	<p>6-2-3 Richard A. & Lori L. Passaro 1 Knox Drive New Windsor, N.Y. 12553</p>	<p>6-3-6 William M. & Evelyn F. Rothenbusch 10 Knox Drive New Windsor, N.Y. 12553</p>

6-3-7
John & Maureen Riglioni
12 Knox Drive
New Windsor, N. Y. 12553

6-3-8
Edward & Beverly Bates
14 Knox Drive
New Windsor, N.Y. 12553

6-3-9
Donald E. & Bessie F. Harris
20 Knox Drive
New Windsor, N. Y. 12553

6-3-10
William J. & Dorothea Brown
11 Mitchell Lane
New Windsor, N.Y. 12553

6-3-11
Robert & Patricia Merkl
9 Mitchell Lane
New Windsor, N.Y. 12553

6-3-12
Charles R. Shanahan, Jr.
7 Mitchell Lane
New Windsor, N. Y. 12553

6-3-13
Anthony J. Dirago Jr.
5 Mitchell Lane
New Windsor, N. Y. 12553

6-3-14
Peter M. Reilly, Sr., etal
% Alice Reilly
3 Mitchell Lane
New Windsor, N. Y. 12553

6-3-15
Steven H. & Ellen J. Kieva
1 Mitchell Lane
New Windsor, N. Y. 12553

6-3-16
George & Evelyn Roman
17 Clarkview Road
New Windsor, N. Y. 12553

6-3-17
Kathleen Kopchak
15 Clarkview Road
New Windsor, N. Y. 12553

6-4-1
Ismail & Cemaliye Nouri
19 Clarkview Road
New Windsor, N. Y. 12553

6-4-2
Anthony J. & Angela Oddo
2 Mitchell Lane
New Windsor, N.Y. 12553

6-4-3
Anatol Kolesnik
4 Mitchell Lane
New Windsor, N. Y. 12553

6-4-4
Peter W. & Marion J. Stapleton
6 Mitchell Lane
New Windsor, N. Y. 12553

6-4-5
Steven G. & Jane M. Albano
8 Mitchell Lane
New Windsor, N.Y. 12553

6-4-6
John & Kathleen Hannon
10 Mitchell Lane
New Windsor, N. Y. 12553

6-4-7
John J. Fisher & Luz M. Camilo
12 Mitchell Lane
New Windsor, N. Y. 12553

6-4-11
Donna M. Verdiglione
34 Knox Drive
New Windsor, N. Y. 12553

6-4-12
Doreen A. & Michael P. Casey
36 Knox Drive
New Windsor, N. Y. 12553

6-4-13
John A. & Roberta Ferris
46A Monsey Blvd.
Monsey, N. Y. 10952

6-4-14
James H. & Frances A. O'Neil
40 Knox Drive
New Windsor, N. Y. 12553

6-4-15
Matthew J. & Corinne Lynch
42 Knox Drive
New Windsor, N.Y. 12553

6-4-16
Dean G. & Lauren Johnson
44 Knox Drive
New Windsor, N. Y. 12553

6-4-17
Jeremiah P. & Patricia Quill
23 Clarkview Drive
New Windsor, N. Y. 12553

6-4-18
Bankers Trust of California N/A
% Countrywide Home Loans SV 103
400 Countrywide Way
Simi Valley, CA 93065

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
(914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF
APPEALS.**

DATE: April 23, 1999

APPLICANT: Frank Pierri
13 Clarkview
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: April 23, 1999

FOR : Existing 8' X 8' wood shed

LOCATED AT: 13 Clarkview Road

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 6-3-1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing wood shed does not meet minimum side yard set backs.


BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-14-A-1-B

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

8'-6"

1'-6"

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

NOT BE MADE IN MOST CASES BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE

Inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it is approved and it is improper to continue beyond that point in the work. Any disapproved work must be reworked.

1. When excavating is complete and footing forms are in place (before pouring).
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

APR 28 1989

FOR OFFICE USE ONLY:

Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Francis + Lesley Pierri

Address 13 CLARKVIEW RD Phone 561-9241

Mailing Address 13 CLARKVIEW RD NEW WINDSOR N.Y.

Name of Architect Deck Built By J-T McMAHUS - Sited N/A

Address _____ Phone _____

Name of Contractor J.T. McMAHUS Built Deck Sited N/A

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder J. Pierri (Sited)

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the EAST side of CLAREVIEW RD
and N/A feet from the intersection of KNOT DR
(N, S, E or W)
2. Zone or use district in which premises are situated Residential Is property a flood zone? Y N
3. Tax Map Description: Section 6 Block 3 Lot 1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Residence b. Intended use and occupancy C-4
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
EXISTING 8'x8' wood shed
6. Is this a corner lot? YES
7. Dimensions of entire new construction. Front Rear Depth Height No. of stories
8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor N/A
- Number of bedrooms N/A Baths N/A Toilets N/A Heating Plant: Gas N/A Oil N/A
Electric/Hot Air N/A Hot Water N/A If Garage, number of cars N/A
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use N/A
10. Estimated cost Fee \$50.00

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____

Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

- NOT TO SCALE -

